

FILED

COMPLAINT UNDER 42 USC §1983, CIVIL RIGHTS ACT-TDCJ-ID (Rev. 2/08)

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS**

Please Choose Division

FEB 23 2021
CLERK, U.S. DISTRICT CLERK
WESTERN DISTRICT OF TEXAS
BY [Signature] DEPUTYMalcolm D. Ruff #130244

Plaintiff's Name and ID Number

Ector County Law Enforcement Center
Place of Confinement (E.C.L.E.C.)CASE NO. 7:21-CV-026-DC/RCG
(Clerk will assign the number)v. Summit Food Service LLCP.O. Box 743293 Atlanta Ga. 30374

Defendant's Name and Address

Mike Griffiths, Steven McNeillP.O. Box 331 Odessa TX. 79760

Defendant's Name and Address

Kitchen Manager Name UnknownHead Cook Name Unknown

Defendant's Name and Address

(DO NOT USE "ET AL.")

INSTRUCTIONS - READ CAREFULLY**NOTICE:****Your complaint is subject to dismissal unless it conforms to these instructions and this form.**

1. To start an action you must file an original and one copy of your complaint with the court. You should keep a copy of the complaint for your own records.
2. Your complaint must be legibly handwritten, in ink, or typewritten. You, the plaintiff, must sign and declare under penalty of perjury that the facts are correct. If you need additional space, **DO NOT USE THE REVERSE SIDE OR BACK SIDE OF ANY PAGE.** ATTACH AN ADDITIONAL BLANK PAGE AND WRITE ON IT.
3. You must file a separate complaint for each claim you have unless the various claims are all related to the same incident or issue or are all against the same defendant, Rule 18, Federal Rules of Civil Procedure. Make a short and plain statement of your claim, Rule 8, Federal Rules of Civil Procedure.
4. When these forms are completed, mail the original and one copy to the Clerk of the United States Court for the appropriate District of Texas in the Division where one or more named defendants are located, or where the incident giving rise to your claim for relief occurred. The list labeled as "VENUE LIST" is posted in your unit law library. It is a list of the Texas prison units indicating the appropriate District Court, the Division and an address list of the Divisional Clerks.

FILING FEE AND IN FORMA PAUPERIS

1. In order for your complaint to be filed, it must be accompanied by the filing fee of \$350.00.
2. If you do not have the necessary funds to pay the filing fee in full at this time, you may request permission to proceed *in forma pauperis*. In this event you must complete the application to proceed *in forma pauperis* (IFP), setting forth information to establish your inability to prepay the fees and costs or give security therefor. You must also include a current six (6) month history of your Inmate Trust Account. You can acquire the application to proceed IFP and appropriate Inmate Account Certificate from the law library at your prison unit.
3. 28 U.S.C. 1915, as amended by the Prison Litigation Reform Act of 1995 (PLRA), provides, "...if a prisoner brings a civil action or files an appeal *in forma pauperis*, the prisoner shall be required to pay the full amount of a filing fee." Thus, the Court is required to assess and, when funds exist, collect, the entire filing fee or an initial partial filing fee and monthly installments until the entire amount of the filing fee has been paid by the prisoner. If you submit the application to proceed *in forma pauperis*, the Court will apply 28 U.S.C. 1915 and, if appropriate, assess and collect the entire filing fee or an initial partial filing fee, then monthly installments from your Inmate Account, until the entire \$350 filing fee has been paid.
4. If you intend to seek *in forma pauperis* status, then do not send your complaint without an Application to Proceed IFP, and the Certificate of Inmate Trust Account. Complete all the essential paperwork before submitting it to the Court.
5. The complaint can not exceed 20 pages which includes all attachments.

CHANGE OF ADDRESS

It is your responsibility to inform the Court of any change of address and its effective date. Such notice should be marked "NOTICE TO THE COURT OF CHANGE OF ADDRESS" and shall not include any motion (s) for any other relief. Failure to file a NOTICE TO THE COURT OF CHANGE OF ADDRESS may result in the dismissal of your complaint pursuant to Rule 41(b), Federal Rules of Civil Procedure.

I. PREVIOUS LAWSUITS:

- A. Have you filed *any* other lawsuits in state or federal court relating to your imprisonment?

☒ YES ☐ NO

- B. If your answer to "A" is "yes," describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, giving the same information.)

1. Approximate date of filing lawsuit: 4-09-2020
2. Parties to previous lawsuit:
 Plaintiff(s) Malcolm D. Ruff
 Defendant(s) Griffis, McNiell,
3. Court: (If federal, name the district; if state, name the county.) Western District of Texas
4. Docket Number: MD: 20-CV-00096-DC

5. Name of judge to whom case was assigned: Hon. David Counts
6. Disposition: (Was the case dismissed, appealed, still pending?)
Case is still pending
7. Approximate date of disposition: N/A

II. PLACE OF PRESENT CONFINEMENT: Ector County Law Enforcement Center (E.C.L.E.C.)

III. PARTIES TO THIS SUIT:

A. Name and address of plaintiff: Malcolm D. Ruff #130244 (E.C.L.E.C.) P.O. Box 331, Odessa, Texas 79760

B. Full name of each defendant, his official position, his place of employment, and his full mailing address.

Defendant #1: Summit Food Services ^{Chairman} (E.C.L.E.C.), Cooks and Food Handlers, P.O. Box 743293, Atlanta Ga. 30374

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Served me improperly cooked, handled and stored ^{meat} I was poisoned & denied ^{medical care}

Defendant #2: Mike Griffiths Sheriff, E.C.L.E.C. P.O. Box 331 Odessa, Texas 79760

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Hired the company of Cooks and Foodhandlers who poisoned me & denied ^{medical care}

Defendant #3: Steven McNeill Jail Administrator, E.C.L.E.C. P.O. Box 331 Odessa, Texas 79760

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Didn't make sure food was properly prepared, cooked & served and I was poisoned

Defendant #4: Name Unknown Kitchen manager

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Didn't prepare, cook or store food properly and I was poisoned

Defendant #5: Kitchen Cooks Names Unknown

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Failed to cook, prepare, store food properly and I was poisoned.

IV. STATEMENT OF CLAIM:

State here in a short and plain statement the facts of your case, that is, what happened, where did it happen, when did it happen, and who was involved. Describe how each defendant is involved. You need not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach extra pages if necessary, but remember that the complaint must be stated briefly and concisely. IF YOU VIOLATE THIS RULE, THE COURT MAY STRIKE YOUR COMPLAINT.

On the date of 1-24-2021, I, was served lunch. After eating the meal I, became very ill with severe stomach cramps, vomiting, diarrhea, and severe Migraine headaches. All these symptoms continued for days. I, asked for Medical Care from the nursing staff and was told that I couldn't get care but to file a medical request. I was also told that Medical Director T.J. Powell, Sheriff Mike Griffiths, Jail Administrator Steven McViehl were made aware of the situation and the nurses were instructed to only treat the symptoms. I, have previously filed grievances on hair in my food and foreign objects in my food. Summit Food Services is the Contractor.

RELIEF: State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

Force Summit Food Services to pay me the sum of \$200,000⁰⁰
Force E.C.L.E.C. to pay me the sum of \$200,000⁰⁰

V. GENERAL BACKGROUND INFORMATION:

A. State, in complete form, all names you have ever used or been known by including any and all aliases:

I have only been known by Malcolm Donald Ruff

B. List all TDCJ-ID identification numbers you have ever been assigned and all other state or federal prison or FBI numbers ever assigned to you, if known to you.

Ector County Jail #130244

VI. SANCTIONS:

A. Have you been sanctioned by any court as a result of any lawsuit you have filed? YES ☒ NO

B. If your answer is "yes", give the following information for every lawsuit in which sanctions were imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed sanctions (if federal, give the district and division): _____

2. Case Number: _____

3. Approximate date sanctions were imposed: _____

4. Have the sanctions been lifted or otherwise satisfied? YES NO

C. Has any court ever warned or notified you that sanctions could be imposed? ☒ YES ☐ NO

D. If your answer is "yes", give the following information for every lawsuit in which warning was imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed warning (if federal, give the district and division): Western District of Texas Midland/Odessa Division
2. Case Number: MD:20-CV-00096-DC
3. Approximate date warnings were imposed: FEBRUARY 02, 2021

Executed on: FEBRUARY 02, 2021
DATE

Malcolm D. Ruff
(Signature of plaintiff)

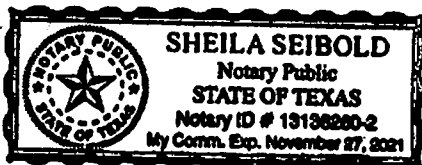
PLAINTIFF'S DECLARATIONS

1. I declare under penalty of perjury all facts presented in this complaint and attachments thereto are true and correct.
2. I understand if I am released or transferred, it is my responsibility to keep the Court informed of my current mailing address and failure to do so may result in the dismissal of this lawsuit.
3. I understand that I must exhaust all available administrative remedies prior to filing this lawsuit.
4. I understand I am prohibited from bringing an *in forma pauperis* lawsuit if I have brought three or more civil actions in a Court of the United States while incarcerated or detained in any facility, which lawsuits were dismissed on the ground they were frivolous, malicious, or failed to state a claim upon which relief may be granted, unless I am under imminent danger of serious physical injury.
5. I understand even if I am allowed to proceed without prepayment of costs, I am responsible for the entire \$350 filing fee and costs assessed by the Court, which shall be deducted in accordance with the law from my inmate account by my custodian until the filing fee is paid.

Signed this 11 day of FEBRUARY, 20 21.
(Day) (month) (year)

Malcolm D. Ruff
(Signature of plaintiff)

WARNING: The Plaintiff is hereby advised any false or deliberately misleading information provided in response to the following questions will result in the imposition of sanctions. The sanctions the Court may impose include, but are not limited to monetary sanctions and/or the dismissal of this action with prejudice.



Sheila Seibold
2-11-21

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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS

Please Choose Division

Malcolm D. Ruff #130244
Plaintiff's Name and ID Number

Ector County Law Enforcement Center
Place of Confinement

CASE NO. _____
(Clerk will assign the number)

v. Summit Food Service LLC
P.O. Box 743293 Atlanta Ga. 30374

Defendant's Name and Address
Mike Griffiths, Steven McNiell
P.O. Box 331 Odessa, Tx. 79760
Defendant's Name and Address

P.O. Box 331 Odessa, Tx. 79760
Defendant's Name and Address
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2. Parties to previous lawsuit:
 Plaintiff(s) Malcolm D. Ruff
 Defendant(s) GRIFFIS, McNiell
3. Court: (If federal, name the district; if state, name the county.) Western District of Texas
4. Docket Number: MO: 20-CV-00096-DC

5. Name of judge to whom case was assigned: Hon. David Counts

6. Disposition: (Was the case dismissed, appealed, still pending?)

Case is Still Pending

7. Approximate date of disposition: Unknown

II. PLACE OF PRESENT CONFINEMENT: Ector County Law Enforcement Center
(E.C.L.E.C.)

III. PARTIES TO THIS SUIT:

A. Name and address of plaintiff: Malcolm D. Ruff #30244 (E.C.L.E.C.) P.O. Box 331, Odessa Texas 79760

B. Full name of each defendant, his official position, his place of employment, and his full mailing address.

Defendant #1: Summit Food Service LLC Chairman, Cooks & Foodhandlers, Names Unknown; P.O. Box 743293 Atlanta Ga. 30374

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Served improperly cooked, handled and stored meal and I was poisoned

Defendant #2: Mike Griffiths, Sheriff (E.C.L.E.C.), P.O. Box 331 Odessa Texas 79760

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you. Refuse medical care
Hired the company that failed to properly cook, serve & handle food. Poisoned me

Defendant #3: Steven McNiell Jail Administrator (E.C.L.E.C.) P.O. Box 331 Odessa, TX. 79760

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

He didn't make sure the meals were properly cooked, prepared & handled. Medical after poisoning.

Defendant #4: Name Unknown Kitchen Manager

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Didn't prepare, cook or store food properly and I was poisoned

Defendant #5: Kitchen Cooks: Names Unknown

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Failed to cook, prepare, store food properly and I was poisoned.

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Ector County Jail # 130244

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1. Court that imposed warning (if federal, give the district and division): Western District of Texas, Midland/Odessa Division
2. Case Number: MD: 20-CV-00078
3. Approximate date warnings were imposed: 2-1-2021

Executed on: _____
DATE

Malcolm D. Luff
(Signature of Plaintiff)

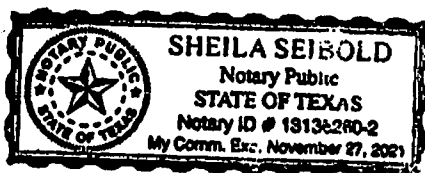
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Signed this 11 day of February, 20 21.
(Day) (month) (year)

Malcolm D. Luff
(Signature of Plaintiff)

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Sheila Seibold
2.11.21

1-87-1004
1001m D. Ruff # 130244
C.L.E.C.
D. BOX 331
dessa, Texas 79760



RECEIVED

FEB 23 2021
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY _____ DEPUTY

Legal Indigent

MIDLAND TX 797

MON 22 FEB 2021 5M

Clerk, U.S. District Court
Western District of Texas
United States Courthouse
200 E. Wall Street Rm. 2200
Midland, Texas 79701